

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY
September 30, 2010**

Conference Call
Board Office - Boise, Idaho

This meeting of the Board is held to conduct regular Board business.

Chairman Holly Henggeler, Pharm D, called the meeting to order at 8:12 a.m.

In attendance via teleconference : Board members Holly Henggeler, Pharm D; Nicole Chopski, Pharm D; Rich de Blaquiery, Pharm D; Mark Johnston, R.Ph, Executive Director; Sharon Burke, Acting Administrator, Office of Drug Policy; Dave Sincerbeaux, Idaho State Police, Forensic Services; Susan Williamson, Idaho State Police, Forensic Services; Anne Nord, Idaho State Police, Forensic Services; Matthew Garnette, Idaho State Police, Forensic Services; Tedd Wills, Division Commander for Idaho State Police, Forensic Services; Hon. Bill Harrigfeld, Ada County Magistrate Judge; Jim Tibbs, Boise Police Dept-Rural Law Enforcement regarding meth; Terry Derden, Boise City Attorney; Allen Nagel, Business Owner; Josh Vecker, Business Owner; John Overton, Idaho State Police, Meridian; Kevin Johnson.

In attendance at board office: Board member Berk Fraser, R.Ph.; Jenifer Marcus, DAG; Wendy Hatten; Ellen Mitchell; Lisa Culley, Compliance Officer; Jan Atkinson, Senior Compliance Officer; George Turgoose; Ryan Holdaway J.D.; Jamie Grey; KTVB-TV, Paul Boehlke, KTVB-TV; Doug Cambell; Donovan Johns, Spectrum Partners; Mark Ciccarello, Business Owner; Troy Palmer; Ms. Gurnsey, Public Board Member was unable to attend.

Dr. Henggeler offered Ms. Burke 20 minutes to present. Sharon Burke, Acting Administrator, Office of Drug Policy (ODP) presented information to the Board for consideration of the temporary rule of scheduling the chemical compounds found in spice. The ODP's interest is based on a number of concerned citizens to include judges, police & probation officers, bankers, business owners, schools and retailers, asking for direction for this new chemical/drug that they are seeing in the community. The Boards' action today and consideration of it is going to help ODP start the process to ban this in the state of Idaho. Ms. Burke introduced Hon. Bill Harrigfeld for perspective of what is being seen in the courts. One teen, Cody, shared his personal experience with Spice, and indicated he believes Spice is much more addictive than marijuana. Ms. Burke presented a White paper and power point presentation detailing their research.

Mr. Sincerbeaux, ISP, Forensic Services presented the chemical nature of the compounds in Spice. Dr. Chopski questioned if they were structurally similar to each other or to THC. Mr. Sincerbeaux answered they are similar to each other and not to THC.

Hon. Bill Harrigfeld, Ada County, Magistrate Judge gave his perspective of what is being seen in court.

Dr. Henggeler assured Ms. Burke that all board members read all documentation that was submitted by ODP. Dr. Henggeler turned the floor to Mr. Holdaway present his position.

Mr. Holdaway presented a request for an alternative course of action. He has several clients including sellers, manufacturers and distributors of various spice products. Mr. Holdaway indicated his clients' overall objective cooperation. Addressed Idaho Codes

3727-02, 54-1715, 67-2340 thru 67-2347, 67-2343, 67-2345. Based on comments made by Mr. Holdaway regarding proper notification of this meeting, Dr. Henggeler confirmed this is a regular meeting and the Board did meet the parameters of notifying the public.

Mr. Ciccarello owner of Herbal Incense in Boise addressed concerns of use by minors. Mr. Ciccarello stated that his store doesn't sell to minors. He reiterated Spice is to be used for aromatherapy and is not advocating illegal use.

Ellen Mitchell addressed Dr. Henggeler regarding issue of notice of this meeting. Initial notice was posted on website and in board window on September 23, 2010.

Mr. Holdaway requested time for seller, manufacturers and distributors to self regulate.

Dr. Henggeler offered Ms. Marcus time to comment regarding the Boards' authority to amend schedule 1.

After some discussion Mr. Fraser motioned to accept temporary rule 434 as written. Dr. de Blaquiére seconded the motion. Dr. Fraser restated motion to accept 270101 1005, rule 434 as written, Dr. de Blaquiére seconded the motion. Dr. Henggeler called for vote. Motion carried 3 in favor.

Mr. Fraser motioned to adjourn the meeting, Dr. Chopski seconded. Meeting adjourned at 9:33 a.m.

Chairman

Vice-Chairman

Member

Member

Member

Executive Director